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6 Attorney for Plaintiff  
7 DENNIS BUONANOMA

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 DENNIS BUONANOMA,

11 CV-N-04-

12 Plaintiff

13 COMPLAINT

14 v.

15 JURY TRIAL DEMANDED

16 SIERRA PACIFIC POWER COMPANY,  
17 ANGELA BRANCH, JACQUELINE  
18 KIRKLAND, MARIEKA MEYER, and DOES  
19 1 THROUGH 20, Inclusive,

20 CV-N-04-0077-LRH-VPC

21 Defendants

22 /

23 INTRODUCTION

24 1. This is an action for damages and legal fees brought by DENNIS BUONANOMA  
25 (hereinafter referred to as the "Employee") against the defendant, SIERRA PACIFIC POWER  
26 COMPANY (hereinafter referred to as "SPPC") to remedy age, race, and sex, discrimination under  
27 the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. Sec. 621 et seq., and Title VII  
28 of the Civil Rights Act of 1964 as amended, 42 U.S.C. Sec. 2000e-2 et seq. There is also a claim  
for violation of due process under 42 U.S.C. Sec. 1983, and there are supplemental state claims

1 which are brought under 28 U.S.C. Sec. 1367 against SPPC and against other defendants who are  
2 employees of SPPC.  
3

4 **JURISDICTION AND VENUE**

5 2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Secs. 1331, 1337, 1343,  
6 and 1345. The employment practices alleged to be unlawful were and are now being committed  
7 within the jurisdiction of the United States District Court for the District of Nevada, and specifically  
8 at Reno, Nevada.  
9

10 3. This action is properly brought in the Northern Division of the United States District  
11 Court for the District of Nevada because all wrongful acts alleged herein occurred in Northern  
12 Nevada and defendant SPPC is a resident of Northern Nevada.  
13

14 **PARTIES**

15 4. The Employee is a former long-term employee of SPPC who is a white male, born July  
16 16, 1947, whose employment was terminated involuntarily on or about December 31, 2002. He  
17 holds a bachelor's degree in mining engineering from the University of Nevada - Reno.  
18

19 5. SPPC is a Nevada Corporation doing business in the State of Nevada, which has more  
20 than fifteen employees. SPPC is an employer engaged in an industry affecting commerce within the  
21 meaning of 29 U.S.C. Sec. 630(b). It is a public utility regulated by the State of Nevada, with  
22 certain rights, powers, privileges and immunities ordinarily associated with governmental bodies,  
23 and it is therefore subject to due process requirements under the Fourteenth Amendment to the  
24 United States Constitution based upon deemed state action.  
25

26 6. Defendants ANGELA BRANCH, JACQUELINE KIRKLAND (both African American  
27 females) and MARIEKA MEYER (a white female) are employees of SPPC.  
28

7. Defendants Does 1 through 20 Inclusive are unknown at the present time and leave

1 to add them as defendants will be requested when their identities have become known.  
2

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 8. The Employee has filed two Charges of Discrimination against SPPC with the United  
5 States Equal Employment Opportunity Commission ("EEOC"); and has requested and received  
6 Notification of Right to Sue. More than sixty days have elapsed since the filing of the Charge of  
7 Discrimination relating to age. All administrative remedies have been exhausted.

8 **FACTUAL ALLEGATIONS**  
9

10 9. The Employee was employed by SPPC for over twenty (20) years, successfully holding  
11 a series of jobs within that organization.

12 10. During his last months of employment, the Employee was subjected by SPPC to a  
13 formal protocol frequently used by SPPC to induce older workers to resign their employment by  
14 making their work life increasingly burdensome through increased workload and increased criticism;  
15 whereupon they are fired if they do not choose to leave the employ of SPPC.  
16

17 11. When younger, the Employee received creditable annual performance evaluations from  
18 SPPC.

19 12. Nonetheless, in February of 2002, he received an unwarranted poor performance  
20 evaluation from SPPC. His written rebuttal to this evaluation was ignored, and as a result of the  
21 evaluation his bonus was curtailed and he suffered other monetary consequences.  
22

23 13. When younger, the Employee received work assignments from SPPC which were  
24 commensurate with his training, skills and experience, including engineering, art, and building decor  
25 and maintenance.

26 14. Soon after his reaching the age of fifty, the Employee began to be treated differently  
27 by SPPC.  
28

1       15. Thereafter, his work was constantly disparaged and downgraded by SPPC, and by  
2 defendants Meyer and Branch, who wished to procure the Employee's resignation and who  
3 attempted to create an all-female Administrative Services Department within SPPC.  
4

5       16. Defendants Kirkland (Human Resources) and Branch, African American females,  
6 discriminated against the Employee intentionally and maliciously because of his race and gender,  
7 and met together in 1999 to and decided to maintain secret files concerning the Employee, which  
8 they proceeded to do for more than three years, writing him up repeatedly for imagined or non-  
9 existent rule infractions, and never providing him with any notice or opportunity to defend himself,  
10 file charges of discrimination with the EEOC, or take other steps to protect his reputation.  
11

12       17. Thereafter, the Employee was passed over by SPPC for promotions or lateral  
13 transfers, and for raises and bonuses, in favor of less qualified people who were either younger,  
14 women, or minority persons, or combinations of these, due to SPPC's unlawful consideration of  
15 age, race, and sex, or some combination thereof.  
16

17       18. The Employee has been treated differently by SPPC from its treatment of female  
18 persons and persons younger than he, in that they are not given unwarranted poor performance  
19 evaluations or overwhelmingly large work assignments, nor is their employment terminated without  
20 cause or their lateral transfer denied.  
21

22       19. The Employee was required to seek his own job within SPPC, after his reputation had  
23 been destroyed within SPPC by the defendants, which proved impossible.  
24

25       20. The Employee has suffered great monetary loss, embarrassment, humiliation, and  
26 emotional distress as a result of his discriminatory treatment by SPPC.  
27

28       21. SPPC fired the Employee on or about December 31, 2002 for purely discriminatory  
reasons, and replaced him with a younger female employee.  
29

22. SPPC has long employed a pattern and practice of employment discrimination, found to exist by the U.S. Department of Labor and others, and its series of wrongful actions taken against the Employee constitute a continuing offence.

23. SPPC's discriminatory acts against the Employee have been undertaken with a reckless disregard for the Employee's federally protected and state protected civil rights, and he is therefore entitled to punitive damages, in addition to compensatory damages, back pay, front pay, and his legal fees.

**COUNT I**  
**Age Discrimination**

24. The foregoing allegations are incorporated into this Count as though specifically re-alleged herein.

25. SPPC has acted toward the Employee in malicious, knowing, and intentional violation of 29 U.S.C. Sec. 623(a)(1) and the Employee is consequently entitled to an award of damages including liquidated damages.

## **COUNT II**

### **Title VII Sex Discrimination**

26. The foregoing allegations are incorporated into this Count as though specifically re-  
alleged herein.

27. SPPC has acted in intentional violation of 42 U.S.C. Sec. 2000e-2 et seq. in engaging in reverse sex discrimination, and the Employee is consequently entitled to an award of damages including compensatory and punitive damages.

**COUNT III**  
**Title VII Race Discrimination**

27 28. The foregoing allegations are incorporated into this Count as though specifically re-  
alleged herein.

29. SPPC has acted in intentional violation of 42 U.S.C. Sec. 2000e-2 et seq. in engaging in reverse race discrimination, and the Employee is consequently entitled to an award of damages including compensatory and punitive damages.

**COUNT IV**  
**Combined Forms of Discrimination**

30. The foregoing allegations are incorporated into this Count as though specifically re-alleged herein.

31. SPPC has violated the Employee's rights through discriminatory acts encompassing some combination of those forms of discrimination alleged in Counts I, II, and III above, and the Employee is consequently entitled to an award of damages, including compensatory and punitive damages.

**COUNT V**

32. The foregoing allegations are incorporated into this Count as though specifically re-alleged herein.

33. By keeping a secret file concerning the Employee in violation of NRS 613.075, all defendants have recklessly disregarded or willfully violated his right to substantive due process under the Fourteenth Amendment, and are therefore liable to the Employee for damages under 42 U.S.C. Sec. 1983.

34. By keeping a secret file concerning the Employee, all defendants have recklessly disregarded or willfully violated his right to procedural due process under the Fourteenth Amendment, and are therefore liable to the Employee for damages under 42 U.S.C. Sec. 1983.

35. By firing the Employee without due process, SPPC has recklessly disregarded or willfully violated his right to procedural due process under the Fourteenth Amendment, and is

therefore liable to the Employee for damages under 42 U.S.C. Sec. 1983.

## COUNT VI

### Defamation of Character

36. The foregoing allegations are incorporated into this Count as though specifically re-alleged herein.

37. All defendants defamed the Employee's character in relation to his professional occupation, both while he was employed and after his employment was terminated, to the extent that he has been unable to obtain professional employment in this community since the SPPC termination.

**COUNT VII**  
**Against Certain SPPC Employees for Intentional or Negligent Infliction of Emotional Distress.**

15       38. The foregoing allegations are incorporated into this Count as though specifically re-  
16       alleged herein.

39. Through their individual and concerted actions described above, defendants Branch, Kirkland, and Meyer intentionally or negligently inflicted emotional distress on the Employee.

**WHEREFORE** the plaintiff, DENNIS BUONANOMA, respectfully requests:

1. That he be awarded his damages for discrimination and other claims, including back pay, bonus pay, front pay, compensatory damages, punitive damages, and liquidated damages.
2. That he be awarded his legal fees and the costs of this action.

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4. That the Court make any such additional orders as it shall deem proper.

5 DATED this 17<sup>th</sup> day of February, 2004.

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8 DENNIS BUONANOMA  
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10 By his Attorney,

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12 Anne M. Vohl, Esq.  
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